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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,932	03/22/2004	Michael K. Brown	555255012483	1029

7590   12/20/2007

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EXAMINER
AJAYI, JOEL

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
12/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/805,932	BROWN ET AL.
	Examiner	Art Unit	
	Joel Ajayi	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>23 November 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

     a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

     b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

         Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

     (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

     (b) ☐ They raise the issue of new matter (see NOTE below);

     (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

     (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

         NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

     The status of the claim(s) is (or will be) as follows:

     Claim(s) allowed: _____.

     Claim(s) objected to: _____.

     Claim(s) rejected: _____.

     Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: the argument features a request for a second attachment contained within a secure message. The examiner respectfully disagrees with the applicant's statement and asserts that Dunnion et al. discloses that the user requests that the message attachments be saved, in turn the mai l applet request for the contents of each attachment one at a time (paragraph 124, lines 7 -9); this applies to a secure message because secure messages include attachments (paragraph 137).

The argument features providing the second attachment ony in respon se to a request from the mobile device. The examiner respectfully disagrees with the applicant's statement and asserts that Dunnion et al. discloses that the user requests that the message attachments be saved, in turn the mail applet request for the conten ts of each attachment one at a time (paragraph 124, lines 7 -9); this applies to a secure message because secure messages include attachments (paragraph 137).

The argument features that there is no mechanism to permit a u ser to request that an attachment be provided separately from the message within which the second attachment was located. The examiner respectfully disagrees with the applicant's statement and asserts that Dunnion et al. discloses tha t the user requests that the message attachments be saved, in turn the mail applet request for the contents of each attachment one at a time (paragraph 124, lines 7 -9); this applies to a secure message because secure messages include attachments (paragraph 137).

The argument features that the second attachment is provided to the mobi le device when the original message is opened. The examiner respectfully disagrees with the applicant's statement and asserts that Dunnion et al. discloses that the attachments are provided when a user opens a secure message (paragraph 137).

The argument features that neither a second attachment within a secure message is received by a server as a first attachment nor a secure message processing module that searches for such a second attachment. The examiner respectfully disagrees with the applicant's statement and asserts that Dunnion et al. discloses that the mail servlet (server) has a message (s) and its content and provides the contents/attachments one at a time when requested to (paragraph 124, lines 1-12; paragraph 137).

The argument features that a second attachment within a secure message being provided to a mobile device i s not disclosed. The examiner respectfully disagrees with the applicant's statement and asserts that Dunnion et al. dis cusses a user of a mobile phone (paragraph 52) requesting/opening a message with attachment(s) (paragraph 124, lines 1-12; paragraph 137).

In view of the above, the rejections using Dunnion is maintained .

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